

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MYRON GAYLORD BRANDON,

Petitioner,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

Case No. C05-5417FDB

ORDER TO SHOW CAUSE

This 28 U.S.C. § 2255 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. In reviewing the petition prior to service the court notes that petitioner has filed a previous habeas petition on the same conviction. This other petition is still pending before the undersigned judge. Brandon v. State of Washington, C04-05617KLS.

Accordingly petitioner is now ORDERED to Show Cause why this petition should not be considered a second or successive petition and transferred to the Ninth Circuit. A response to this order is due August 12<sup>th</sup>, 2005. Failure to file a response or an inadequate response will result in this petition being transferred to the Ninth Circuit as a second or successive petition.

The clerk is directed to send copies of this order to petitioner.

DATED this 19<sup>th</sup> day of July, 2005.



Karen L. Strombom  
United States Magistrate Judge